

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MELISSA BARNETT,

Plaintiff,

v.

XAVIER BECERRA, et al.,

Defendants.

Case No. [17-cv-05514-SI](#)

**ORDER GRANTING PLAINTIFF'S
MOTION FOR EXTENSION OF TIME
TO FILE AMENDED COMPLAINT**

Re: Dkt. No. 9

Plaintiff Melissa Barnett has filed this lawsuit pro se, bringing claims under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act against the State of California and numerous other defendants. On October 6, 2017, the Court denied plaintiff's application to proceed in forma pauperis (IFP), denied her motion for appointment of counsel, and dismissed her complaint, all with leave to amend. The Court ordered that plaintiff file her amended IFP application and amended complaint by October 27, 2017. Dkt. No. 5.

On October 23, 2017, plaintiff filed an amended IFP application, an amended complaint, and a new motion for appointment of counsel. Dkt. Nos. 6, 7, 8. On October 30, 2017, plaintiff filed a motion for extension of time to file her amended complaint. Dkt. No. 9. Plaintiff explained that the amended complaint she filed on October 23 was only a partial amendment and that she has been unable to finish amending her complaint due to the recent wildfires in Northern California, where plaintiff lives, and due to her disability.

The Court GRANTS plaintiff's motion for an extension of time to amend her complaint. Plaintiff does not need to re-file her IFP application or her motion for appointment of counsel. The Court will rule on the IFP application and motion for appointment of counsel once it receives plaintiff's second amended complaint.

1 However, the Court cautions plaintiff to review the reasons why the Court dismissed the
2 complaint on October 6, 2017, and to make sure that the new complaint addresses these issues.
3 The amended complaint that plaintiff filed on October 23 currently has some of the same problems
4 that the Court already identified. For example, the Court explained that state court judges are
5 absolutely immune from civil liability for damages for acts performed in their judicial capacity.
6 The October 23 complaint continues to name a number of state judges as defendants but does not
7 explain how they were involved in plaintiff's case. It remains unclear to the Court exactly what
8 happened, when, and how each of the defendants was involved. The second amended complaint
9 should focus on the facts, rather than on legal argument.

10 The Court strongly recommends that plaintiff seek information (which is available for free)
11 about amending her complaint from the Legal Help Center in San Francisco. To do so, plaintiff
12 may call and make an appointment at: (415) 782-8982.

13 **Plaintiff's second amended complaint is due no later than November 27, 2017.**

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15 **IT IS SO ORDERED.**

16 Dated: November 2, 2017

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19 SUSAN ILLSTON
20 United States District Judge
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